

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

V.

LARRY RAY GRAVES,

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Case No. 1:15CR00003-009

OPINION AND ORDER

By: James P. Jones
United States District Judge

Larry Ray Graves, Pro Se Defendant.

Upon consideration of the pro se motion of the defendant for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), it is **ORDERED** that the motion, ECF No. 1179, is DENIED for the following reasons.

The defendant, a federal inmate sentenced by this court in 2015 to 192 months imprisonment after conviction of conspiracy to distribute methamphetamine, is currently on home confinement under a provision of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136, § 120003(b)(2), 134 Stat. 281, 515 (2020). That provision provides that

HOME CONFINEMENT AUTHORITY.—During the covered emergency period, if the Attorney General finds that emergency conditions will materially affect the functioning of the Bureau, the Director of the Bureau may lengthen the maximum amount of time for which the Director is authorized to place a prisoner in home confinement under the first sentence of section 3624(c)(2) of title 18, United States Code, as the Director determines appropriate.

The first sentence of section 3624(c)(2) of title 18 otherwise provides that the Director of the Bureau of Prisons may place a prisoner in home confinement only for the shorter of 10 percent of the term of imprisonment or six months.

Graves is 55 years old. His projected release date is July 29, 2028. He alleges that he suffers from high blood pressure, morbid obesity, pre-diabetes, high cholesterol, and latent tuberculosis infection, Mot. 1, ECF No. 1179, all of which apparently convinced the prison authorities to grant him extended home confinement as authorized under the CARES Act. But particularly because he is no longer confined in the prison setting, he has not shown extraordinary and compelling circumstances justifying the reduction of his sentence. What the conditions in prison will be when and if he is returned cannot be known at this time.

ENTER: March 19, 2021

/s/ JAMES P. JONES
United States District Judge